

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARINA CONERLY,

Plaintiff,

v.

JOHN PATRICK WINN, *et al.*,

Defendants.

Case No. 2:21-cv-01076-TLN-JDP (PS)

SCREENING ORDER

ECF No. 1

ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS

ECF No. 2

FINDINGS AND RECOMMENDATIONS
THAT THIS CASE BE DISMISSED

OBJECTIONS DUE WITHIN 14 DAYS

ORDER

Plaintiff moves to proceed without prepayment of filing fees, ECF No. 2. Plaintiff's affidavit satisfies the requirements to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a). Thus, the motion, ECF No. 2, is granted.

FINDINGS AND RECOMMENDATIONS

Having granted plaintiff's motion to proceed *in forma pauperis*, this complaint is now subject to screening under 28 U.S.C. § 1915(e). The court must dismiss any action filed in forma pauperis that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from suit. 28 U.S.C. § 1915(e)(2)(B).

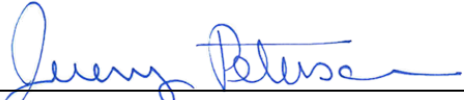
1 Plaintiffs bring this case as an attempt to challenge state child custody proceedings,
2 seeking reversal of “ordered acts” and \$800 million in damages. ECF No. 1. Plaintiff has had
3 substantially similar lawsuits dismissed as patently frivolous, for lack of jurisdiction, and for
4 failure to state a claim. *See, e.g., Conerly v. Yap*, 2:21-cv-01132-TLN-CKD, Findings and
5 Recommendations at ECF No. 8 (October 27, 2021) (recommending dismissal of plaintiff’s case
6 for failure to state a claim because of immunity from suit), adopted November 30, 2021; *Conerly*
7 *v. Winn*, 2:20-cv-01833-JAM-AC, Findings and Recommendations at ECF No. 4 (September 16,
8 2020) (recommending dismissal of plaintiff’s case for lack of jurisdiction because challenge to
9 child custody proceedings is barred by Rooker-Feldman Doctrine and state court judge is immune
10 from suit), adopted October 27, 2020, affirmed on appeal July 2, 2021; *Conerly v. Superior*
11 *Court*, 2:20-cv-00362-KJM-KJN, Findings and Recommendations at ECF No. 16 (April 29,
12 2020) (recommending dismissal based upon immunity of Superior Court judges and frivolous
13 claims against other defendants), adopted July 20, 2020, appeal dismissed as frivolous February
14 12, 2021. Duplicative lawsuits filed by a plaintiff proceeding in forma pauperis are subject to
15 dismissal as either frivolous or malicious under 28 U.S.C. § 1915(e). *See, e.g., Cato v. United*
16 *States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995). This case is duplicative of those cases and equally
17 frivolous because plaintiff cannot challenge state court child custody actions here.

18 Accordingly, it is recommended that plaintiff’s case be dismissed with prejudice as
19 frivolous.

20 I submit these findings and recommendations to the district judge under 28 U.S.C.
21 § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court,
22 Eastern District of California. Plaintiffs may, within 14 days of the service of the findings and
23 recommendations, file written objections to the findings and recommendations with the court.
24 Such objections should be captioned “Objections to Magistrate Judge’s Findings and
25 Recommendations.” The district judge will review the findings and recommendations under 28
26 U.S.C. § 636(b)(1)(C).

1
2 IT IS SO ORDERED.

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4 Dated: December 29, 2021


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE